MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2022/2023 (TERM ID 2210)

UDL3612 – LAND LAW I

(All Sections / Groups)

8 FEBRUARY 2023
Reading Time : 9.00 a.m. – 9:15 a.m.
(15 Minutes)
Answering Time: 9:15 a.m. – 12:15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in the question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 5 pages with 5 Questions only.

3. This Question paper consists of 2 sections. Attempt ONE question only in **Section A** and all THREE questions in **Section B.** All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into the Examination Hall CLEAN and ORIGINAL copy of: (i) National Land Code (Revised – 2020) (Act 828); (ii) Strata Titles Act 1985 (Act 318); (iii) Strata Management Act 2013 (Act 757); and (iv) Land Acquisition Act 1960 (Act 486).
   "Clean" is defined to include no tagging, no annotation either by publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

SECTION A (Answer ONE Question only)

QUESTION 1

(a) A registered proprietor of an alienated land has exclusive but not absolute rights over his land. Discuss with reference to relevant statutory provisions and caselaw.

(15 marks)

(b) With reference to relevant statutory provisions and case law (if any), distinguish 'common property' and 'limited common property' in respect of a subdivided building or land.

(10 marks)

(Total: 25 marks)

QUESTION 2

(a) *"A right of way of necessity can only exits where the implied grantee of the easement has no other means of reaching his land. If there is any other means of access to the land so granted, no matter how inconvenient, no way of necessity can arise, for mere inconvenience of an alternative way will not of itself give rise to a way of necessity"*

Halsbury's of Laws of England (4th Ed.) Vol 15

Justify the above statement with regards to the position of Land Administrator's Right of Way under the National Land Code 2020 by referring to the caselaw.

(15 marks)

(b) Describe the extent of powers of the State Authority with respect to disposal of land by way of alienation.

(10 marks)

(Total: 25 marks)

Continued...

SECTION B (Answer all THREE questions)

QUESTION 3

Limau is the registered proprietor of a piece of land located at Mukim Titi Teras ('the Land'). The Land was previously owned by the Perak State Authority and was reserved for vegetable farms and there was no record of any revocation. The State Authority has approved Limau's application for alienation of the Land in January 2022. Upon the approval, Limau realised that there were many houses built on the Land occupied by the squatters. Limau planned to develop the Land into housing estate and to issue notice to quit demanding the occupiers to vacate the Land.

Oren, one of the squatters, refused to vacate. He argued that:

(i) he was provided with the supply of water, electricity and litter bins;

(ii) he had acquired a right in equity to be compensated;

(iii) Limau, with full knowledge of the squatters occupying the Land, took the land subject to the squatters' equity;

(iv) although the squatters had entered the State land without consent or licence, they had peaceful enjoyment and occupation without interference from the State Authority;

(v) the Menteri Besar allowed them to rebuild their houses on the Land after fire;

(vi) they also had applied for temporary occupation licence ('TOL') based on promises by the State Government Exco Member that they would be given TOL;

(vii) they had received an offer letter for the alienation of land by the State Authority; and

(viii) promissory estoppel arose from the applied consent of State Government Exco Member for the squatters to occupy the land.

Limau is not happy with the situation. She comes to you for advice. Construct your advice to Limau accordingly.

(Total: 25 marks)

Continued...

QUESTION 4

Cincin and Permata are the registered proprietors of a piece of land located in the state of Kelantan. The land title contains the following relevant particulars:

Kanun Tanah Negara
Borang 5BK
(Jadual Keempat belas)

GERAN

No. Hakmilik : 39244	Cukai Tahunan : RM43.00

Negeri	: Kelantan
Daerah	: Jajahan Kota Bharu
Bandar/Pekan/Mukim	: Mukim Seterpa
No. Lot	: Lot 1635
Luas Lot	: 4.2694 Hektar
Kategori Penggunaan Tanah	: Tiada
No. Lembaran Piawai	: 11 & 12 – K2
No. Pelan Diperakui	: 9369
No. Fail	: PTG.KN.25/1/721

DI DALAM KAWASAN RIZAB MELAYU
Bertarikh 9 Disember 1930
No. Pemberitahuan Warta 56-30

Tanah yang diperihalkan di atas adalah dipegang untuk selama-lamanya oleh tuan punya pada masa Namanya disebut dalam rekod ketuanpunyaan di bawah, tertakluk kepada peruntukan-peruntukan Kanun Tanah Negara, kepada kategori yang dinyatakan di atas dan kepada syarat-syarat nyata dan sekatan-sekatan kepentingan yang dinyatakan di bawah, sebagai balasan bagi pembayaran cukai tahunan yang sewajarnya.

Dengan perintah Pihak Berkuasa Negeri

Didaftarkan pada 5 Jun 2008

t.t.
T. M. .....
Pendaftar

Pelan tanah, bagi maksud pengenalan, adalah dikepilkan pada Borang B1.

SYARAT-SYARAT NYATA
-
SEKATAN-SEKATAN KEPENTINGAN
-

Continued...

Hendaklah dipenuhkan apabila hakmilik dikeluarkan bagi sambungan

Tarikh mula-mula pemberimilikan : 17 Ogos 1965
No. hakmilik asal (Tetap atau sementara) : GRN 9673 Mukim Seterpa
No. hakmilik yang terdahulu daripada ini :

REKOD KETUANPUNYAAN

CINCIN ½ bhgn
PERMATA ½ bhgn

REKOD URUSAN

PERKARA LAIN YANG MELIBATKAN HAKMILIK

t.t.
T. M. .....
Pendaftar

Cincin and Pertama, two Siamese ladies, wish to transfer the land to Diamond Development Sdn. Bhd. ('DDSB'), to develop the land into a housing estate. Pending the completion of the registration, both Cincin and Permata have authorised DDSB to apply to the Land Administrator for subdivision of the land into 50 separate individual titles. DDSB further confirmed that conversion of the category of land use is not necessary since the category of land use is "NIL".

The Land Administrator raised the following points in the application for subdivision of the land:

(i) DDSB has no right to make application on behalf of Cincin and Permata;

(ii) conversion of the category of land use is necessary as a pre-condition to the subdivision application;

(iii) the subdivided lots cannot be transferred to non-Malays; and

(iv) a counter proposal that such an application for subdivision would be approved if Cincin and Pertama surrendered its perpetuity title in return for a 99-year lease.

Prepare a report to advise Cincin, Permata and DDSB accordingly.

(Total: 25 marks)

Continued...

QUESTION 5

(a) GST Sdn. Bhd. ('GST') is the registered proprietor of a manufacturing company. To expand its business, GST has installed seven units of machineries to the factory by bolts and buts. These custom-made machineries were the subjects of a 10-year lease agreement between GST and Super Heavy Machinery Sdn. Bhd. ('SHM') signed in 2019 ('the said Agreement'). SHM claims ownership of the machineries based on the retention of title clause in the said Agreement.

GST has earlier charged its factory land to Sharkfin Bank Bhd. ('SBB') in 2015. The business dropped drastically during the two-year pandemic, GST defaulted in its monthly repayment of the loan and SBB applied for an order for sale of the factory land.

Present your legal advice to SHM if they can remove the machineries from the factory. Would your advice differ if the charge was created in 2014?

(10 marks)

(b) Bijak Group, ('the group') principally a private education body, is the sole surviving trustee of a piece of land held under title No. H.S.(D) 196, PT No. 2355, Mukim Ulu Bernam Timur, District of Batang Padang, Perak ('the said Land'). The said Land has been used as a private secondary school for children of generally wealthy and upper-class families. The said Land was to be acquired by the State Government of Perak for the purpose of building national secondary school for that district. Notice in Form A was never published by the State Authority. Upon the completion of the valuation process, the group were surprised on the compensation amount offered as it was far below their expectations. Besides, the group is not satisfied on the fact that the valuation on their land was assessed with a lower rate as compared to their adjacent land.

Solve the issue on the legality of the State Government's project and assess the group's right to adequate compensation.

(15 marks)

(Total: 25 marks)

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